that Claims 12-24 remain pending in the application. The Office raises rejections under 35 USC § 103(a).

With respect to the disposition of claims, the Applicants enquire as to the status of instant Claim 25. The Applicants presume that Claim 25 remains pending in the application and ask for confirmation as to its status.

Claims 12-17 and 19-24 are rejected for obviousness under 35 USC § 103(a) based on Rault, et al. (US Patent No. 5,672,356) in view of Luhn (US Patent No. 6,770,368). It is the position of the Office that Rault, et al. disclose a rapid release tablet composition comprising pirebedil, maize starch, and lactose. The Office acknowledges that Rault, et al. do not specifically disclose the use of co-dried lactose and starch granules.

It is the position of the Office that Luhn discloses the use of granules consisting of lactose and starch. The Office states that the disclosed granules exhibit a friability of less than or equal to 80% and a hardness of greater than 70 N depending of the ratio of lactose and starch used and that the disclosed granules may be used in pharmaceutical preparations. It is the further position of the Office that it would have been obvious to optimize the formulation disclosed by Luhn to achieve a tablet with the desired hardness.

The Office concludes that it would have been obvious to make a tablet comprising granules consisting of co-dried starch and lactose with pirebedil because the use of granules made of co-dried lactose and starch results in good tableting capacity, good flowability, and reduced friability and that one skilled in the art would have been motivated to combine the teachings of Luhn with Rault, et al. because the co-dried granules of lactose and starch disclosed in Luhn would improve the rapidly releasing dosage form disclosed in Rault, et al.

Rault, et al. disclose a bioadhesive pharmaceutical composition which provides for the controlled release of active principles, which composition is comprised of an active principle, a compound (A) comprising one or more copolymers, and a

compound (B) comprising one or more of a list of compounds which includes starches. The composition may further comprise other excipients which may act as diluents (including lactose), binders, or lubricants. The tablet disclosed in Example 2 at column 4 of Rault, et al. is comprised of an "inner phase" comprising a mixture of piribedil, modified maize starch, and lactose which is combined with an "outer phase" comprising a mixture of a copolymer and modified maize starch. The invention as a whole is characterized by the patentee as providing for "an intense bioadhesive effect and controlled and reproducible release of the active principal" (col. 1, lines 42-43). Moreover, the composition disclosed in Rault, et al. ***requires*** the presence of both compound (A) and compound (B) in order to achieve the stated bioadhesive and rapid-release characteristics of the disclosed composition.

Luhn discloses granules consisting of lactose and starch with a tableting capacity which results in a tablet hardness greater than 70 N. Luhn also discloses (at column 4) that this tablet hardness distinguishes the disclosed compositions over prior art products. Luhn discloses that the granules possess this tableting capacity while preserving disintegrating properties, which disintegration properties Luhn characterizes as being "in the gastric medium" (col. 1, lines 30-32).

Moreover, the Applicants respectfully submit that one skilled in the art would recognize that a gastric medium is characterized by a pH less than 2.5 and a volume greater than 25 mL and that an oral medium is characterized by a pH between 5.5 and 6.5 and a volume less than 1 mL. Therefore, one skilled in the art would also recognize that the disintegration properties of a tablet in a gastric medium may not be extrapolated to an oral medium and that a coventional immediate release tablet which exhibits good disintegration properties in the gastric medium does not necessarily exhibit orodispersible properties, consisting of rapid dispersion in the mouth, before such a tablet has been swallowed.

Thus, there is nothing in the Luhn disclosure to suggest that co-dried granules consisting of lactose and starch would impart rapid release characteristics to an orodispersible pharmaceutical composition. Luhn equates the "good tableting capacity" associated with the disclosed granules with the ability of the granules to be

made into a tablet with a hardness of greater than 70 N for use "in the gastric medium." The instant solid, orodispersible compositions are characterized by low friability and a lower tablet hardness which allows for rapid disintegration in the oral cavity, i.e., never intended for a gastric medium. Therefore, the Applicants respectfully submit that the Luhn reference actually teaches away from the instant solid, orodispersible compositions.

Moreover, the Applicants respectfully submit that the Office has chosen to consider only limited portions of each reference for the instant combination rejection. The controlled-release properties of the composition disclosed Rault, et al. may not be considered separately from the critical bioadhesive properties. Similarly, the "good tableting properties" associated with the lactose and starch granules disclosed in Luhn must be considered in view of the other characteristics associated with the disclosed granules (e.g., the hardness of the resulting tablet for use in a gastric environment). Therefore, when "taken as a whole", the cited references clearly do not teach or suggest the instant orodispersible compositions, and the Office has not demonstrated a motivation to combine the Rault, et al. and Luhn references. Thus, the instant orodispersible compositions are not rendered obvious by the cited references.

Claim 18 is rejected for obviousness under 35 USC § 103(a) based on Rault, et al. in combination with Dumont, et al. (US Patent No. 4,112,093) in view of Luhn. It is the position of the Office that Dumont, et al. disclose the use of non-toxic pharmaceutically acceptable acids, such as citric acid, to produce addition salts. The Office therefore concludes that it would have been obvious to make a tablet composition comprising granules consisting of co-dried starch and lactose and citric acid with pirebedil because the use of granules made of co-dried starch and lactose results in good tabletting capacity, good flowability, and reduced friability, and the use of citric acid produces stabilized salts of the pharmaceutical composition.

Dumont, et al. disclose compositions comprised of N-(3,4-methylenedioxy-benzyl)-N'-(2-pyridyl)-piperazine and its non-toxic, pharmaceutically acceptable acid addition

salts, including addition salts with citric acid. Dumont, et al. do not disclose pharmaceutically acceptable acid addition salts of pirebedil.

Therefore, since Dumont, et al. do not disclose a pirebedil composition which includes citric acid and the Office has not demonstrated a motivation to combine the Rault, et al. and Luhn references, the Applicants respectfully submit that Claim 18 is not rendered obvious by the cited references.

Reconsideration and withdrawal of the obviousness rejections is respectfully requested.

* * * * *

Accordingly, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned attorney has made an earnest effort to place this application into condition for immediate allowance. If he can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call him at his below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

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